



24 June, 2004

The Commissioner of Patents
WODEN ACT 2606

Acting as the International Preliminary Examination Authority

Our Ref: 12181751/ARS

Re: Vermitech Limited
International Patent Application No. PCT/AU03/01370
"Apparatus for use in vermiculture"

Sir

Reference is made to the Written Opinion dated 28 May 2004.

We have reviewed the comments by the Authorised Officer, however, must respectfully disagree with his assertions for the reasons set out below:

As has been noted by the Authorised Officer, the invention as defined by claim 1 is not merely directed to the provision of a conveyor belt but to a particular form of conveyor belt. That is, claim 1 defines vermiculture apparatus having a collecting assembly which includes a flexible belt operatively connected to a rotatable member so that it can be wound onto or drawn from the rotatable member between a collecting position and a position where collected material can be discharged. This is quite different to the prior art devices which merely show endless belt conveyors.

Conventional endless belt conveyors have significant disadvantages and problems in relation to the particular application of vermiculture apparatus. Such conveyors are costly, complex and heavy. Further, endless belts require to be tensioned and adjusted, especially over long distances. Since the receptacles of the apparatus of the present invention can run over long distances (up to 50m), the belt of the invention removes the need for any kind of tensioning requirements typical of endless belts.

In addition, conventional endless belts require a return-side. That is, the belts must come back underneath with "return rollers". This takes up valuable space when stacking the receptacles one on top of the other.

Davies Collison Cave

PATENT & TRADE MARK
ATTORNEYS

Sydney

Level 10
10 Barrack Street
Sydney, New South Wales
Australia, 2000

GPO Box 3876
Sydney, New South Wales
Australia, 2001

Telephone:

+61 2 9262 2611

Facsimile:

+61 2 9262 1080

e-mail:

mail@davies.com.au

Web site:

<http://www.davies.com.au>

ABN: 22 077 969 519

Other Offices:

Melbourne, Brisbane, Canberra

In association with:

Davies Collison Cave Solicitors
Intellectual Property Law

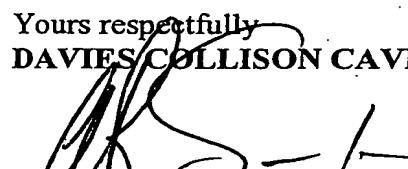
24 June, 2004

The configuration of the belt of the present invention provides for significant advantages over the prior art devices. For example, the belt can be drawn from the rotatable member and laid beneath the receptacle so that harvested material can drop onto the belt. Because the belt does not have to be mounted to any form of frame it is a very light weight structure which can easily be moved from one work position to another. For example, in the case of multi-level receptacles such as shown in Figures 18-20 it is a simple matter to reel the belt onto the rotatable member and transfer it to a position adjacent another receptacle. Furthermore, because of the relatively light weight of the belt per se it can easily be supported. Thus, in the case of multi-level receptacles again there is no need to provide a high strength frame structure.

It is respectfully submitted that the form of belt configuration defined cannot be considered to be merely a workshop variation. All of the prior art documents contemplate the use of endless conveyor belts. None of the prior art documents disclose or even contemplate a collecting belt as defined. It is respectfully submitted that if the belt arrangement was considered to be merely a workshop variation it would have been suggested at some point in the vast body of prior art literature.

Favourable reconsideration is respectfully requested.

Yours respectfully,
DAVIES COLLISON CAVE


TONY SMEETON
tsmeeton@davies.com.au